

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 35 be amended to read as follows:

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and
- 2           insert:
- 3           "SECTION 1. IC 36-7-4-1109 IS ADDED TO THE INDIANA
- 4           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5           [EFFECTIVE UPON PASSAGE]: **Sec. 1109. (a) As used in this**
- 6           **section, "local government agency" includes any agency, officer,**
- 7           **board, or commission of a local unit of government that may issue:**
- 8                 **(1) a permit; or**
- 9                 **(2) an approval for the construction of a development, a**
- 10                **building, or another structure.**
- 11           **(b) As used in this section, "permit" means any of the**
- 12           **following:**
- 13                 **(1) An improvement location permit.**
- 14                 **(2) A building permit.**
- 15                 **(3) A certificate of occupancy.**
- 16                 **(4) Approval of a site-specific development plan.**
- 17                 **(5) Approval of a primary or secondary plat.**
- 18                 **(6) Approval of a conditional use, special exception or special**
- 19                 **use.**
- 20                 **(7) Approval of a planned unit development.**
- 21           **(c) If a person files a complete application as required by the**
- 22           **effective ordinances or rules of a local government agency for a**
- 23           **permit with the appropriate local governmental agency, the**
- 24           **granting of the permit is governed by the statutes, ordinances,**
- 25           **rules, development standards, and regulations in effect and**
- 26           **applicable to the property when the application is filed, even if**
- 27           **before the issuance of the permit or while the permit approval**
- 28           **process is pending the statutes, ordinances, rules, development**
- 29           **standards, or regulations governing the granting of the permit are**
- 30           **changed by the general assembly or the applicable local legislative**
- 31           **body or regulatory body.**
- 32                 **(d) Subsection (e) applies if:**

(1) either:

(A) a local governmental agency issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or

(B) a permit or approval is not required from the local governmental agency for the construction of the development, building, or structure;

(2) before beginning the construction of the development, building, or structure, the person must obtain a permit or approval for the construction of the development, building, or structure from a state governmental agency; and

(3) the person has applied for the permit or requested the approval for the construction of the development, building, or structure from the state governmental agency within ninety (90) days of declaration by the local unit of government that no local permit is required for the construction of the development, building, or structure or within ninety (90) days of issuance of the permit by the local governmental agency.

(e) Subject to subsection (f), if the conditions of subsection (d) are satisfied:

(1) a permit or approval issued or granted to a person by the local governmental agency for the construction of the development, building, or structure; or

(2) the person's right to construct the development, building, or structure without a permit or approval from the local governmental agency;

is governed by the statutes, ordinances, rules, development standards, regulations, and approvals in effect and applicable to the property when the person applies for the permit or requests approval from the state governmental agency for the construction of the development, building, or structure, even if before the commencement of the construction or while the permit application or approval request is pending with the state governmental agency the statutes governing the granting of the permit or approval from the local governmental agency are changed by the general assembly or the ordinances, rules, development standards, or regulations of the local governmental agency are changed by the applicable local legislative body or regulatory body or as the result of annexation, if the municipality performing the annexation has an agreement with the county to enforce its ordinances, rules, development standards, or regulations or if the annexation has occurred with a".

Page 2, delete lines 1 through 41.

Page 2, line 42, delete "of this chapter without the".

Run in page 1, line 1 and page 2, line 42.

Page 2, line 42, delete "consent of an affected" and insert "agreement between the municipality and the".

Page 3, line 1, delete "that has the effect of materially altering the development" and insert "on the applicable ordinances, rules, development standards, or regulations.

(f) Subsection (d) does not apply to property when it is demonstrated by the local or state governmental agency that the

1     **construction of the development, building, or structure would cause**  
2     **imminent peril to life or property."**

3         Page 3, delete lines 2 through 7.

4         Renumber all SECTIONS consecutively.

(Reference is to SB 35 as printed January 27, 2006.)

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Senator LONG